

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

This matter is before the Court *sua sponte*. On March 3, 2021 defendant Cinque Brandon filed a motion with the Court titled, “Defamation.” In his motion, defendant outlines damage he suffered from what he asserts was an “illegal arrest” on October 14, 2020, by St. Louis City Police Officers at 8743 Annetta Avenue, St. Louis, Missouri.¹ Defendant states that as a result of his arrest by St. Louis City Police Officers, he was charged with a revocation of his supervised release.²

The type of relief sought by defendant cannot be obtained in his criminal action. Rather, he can only obtain damages in an action brought pursuant to 42 U.S.C. § 1983. As a result, the Court will administratively terminate the pending motion in his criminal action and will utilize his motion to open a new civil action brought pursuant to 42 U.S.C. § 1983.

Accordingly,

¹See also, Docket No. 19, Letter to former United States Attorney, Jeff Jensen.

²According to the Indictment filed on December 10, 2020, defendant has been charged with the following offenses in this action: (1) felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1); (2) possession with intent to distribute a controlled substance (methamphetamine), in violation of 21 U.S.C. 841(a)(1); (3) possession with intent to distribute a controlled substance (crack), in violation of 21 U.S.C. § 841(a)(1); and (4) possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1). However, in *United States v. Brandon*, 4:15CR255 HEA (E.D.Mo), defendant has been charged with a revocation of his supervised release term. Although the supervised release revocation was originally set for hearing on January 4, 2021, the matter has been continued until resolution of the instant matter.

IT IS HERBY ORDERED that the Clerk is directed to **administratively terminate** defendant's motion for relief [ECF No. 25] and to open it as a new civil brought pursuant to 42 U.S.C. § 1983 filed by a prisoner.

Dated this 4th day of March, 2021.

/s/ John M. Bodenhausen
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE